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10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. **2010-579**

15 **STACEY LYNN PARTCH**
16 **1020 Bear Gulch Road**
Woodside, CA 94062

ACCUSATION

17 **2995 Woodside Road, Suite 400-329**
Woodside, CA 94062

18 **Registered Nurse License No. 551949**

19 Respondent.

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21 Complainant alleges:

22 **PARTIES**

- 23 1. Louise R. Bailey, M.Ed., R.N. (Complainant) brings this Accusation solely in her
24 official capacity as the Interim Executive Officer of the Board of Registered Nursing.
25 2. On or about February 11, 1999, the Board of Registered Nursing, Department of
26 Consumer Affairs issued Registered Nurse License Number 551949 to Stacey Lynn Partch
27 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
28 the charges brought here and will expire on March 31, 2011, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing, Department of Consumer Affairs under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

STATUTORY PROVISIONS

6. Section 2761 of the Code provides, in pertinent part:

The Board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

7. Section 2762 of the Code provides, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with

1 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
2 defined in Section 4022.

3 “(b) Use alcoholic beverages to an extent or in a manner dangerous or injurious to himself
4 or herself, any other person, or the public.

5 “(c) Be convicted of a criminal offense involving the consumption of any of the substances
6 described in subdivisions (a) and (b) of this section, in which event the record of the conviction is
7 conclusive evidence thereof.”

8 8. Section 490 of the Code provides, in pertinent part, that a Board may suspend or
9 revoke a license on the ground that the licensee has been convicted of a crime substantially
10 related to the qualifications, functions, or duties of the business or profession for which the
11 license was issued.

12 **COST RECOVERY**

13 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licensee found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case.

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct)**

19 10. Respondent has subjected her license to disciplinary action under section 2761(a) on
20 the grounds of unprofessional conduct as defined in 2762(b) in that on or about March 22, 2009,
21 she drove a vehicle while under the influence of an alcoholic beverage. A breath test showed that
22 respondent had a blood alcohol content of 0.17 % (more than twice the legal limit).

23 11. Respondent is subject to disciplinary action under section 2761(a) on the grounds of
24 general unprofessional conduct in that on or about April 18, 2009, she admitted to filing a false
25 police report related to an alleged domestic violence dispute.

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3. Taking such other and further action as deemed necessary and proper.

DATED: _____

5/6/10

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant